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January 7, 2022

Via ECF Filing

The Honorable Cathy Seibel
The Hon. Charles L. Brieant Jr. Federal Building and
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *United States v. Bamberg*, 11 Cr. 626 (CS)

Dear Judge Seibel:

I am CJA counsel for Leonard Bamberg in the above-referenced matter. Currently, the Court has scheduled a Violation of Supervised Release hearing (the “VOSR Hearing”) for this upcoming Tuesday, January 11, 2022. (ECF No. 135). I write to respectfully request that the Court adjourn the VOSR Hearing until the first week of February 2022 or to a later date this spring, for the reasons stated below. Mr. Bamberg is presently at liberty subject to the conditions of his Supervised Release.

Mr. Bamberg is currently before the Court on alleged violations of New York State law pertaining to possession of fraudulent license plates and driving without a valid license, for which he was charged in state court. On November 22, 2021 during the Preliminary Revocation Hearing, the Court granted the parties’ request for an adjournment to discuss a potential disposition between the parties.

The parties continue to discuss a potential disposition and believe that an agreement may be reached in the coming weeks, subject to the defense providing additional information to the government and Probation Office. An adjournment is also warranted in order to provide Mr. Bamberg with sufficient time to prepare for a potential sentencing at the next hearing.

In addition, Mr. Bamberg’s significant other is in the late stages of a high-risk pregnancy with Mr. Bamberg’s child and is scheduled to deliver the child via C-section on March 10, 2022. Mr. Bamberg presently lives with his significant other and her two other children from a prior relationship, ages 4 and 8, in an apartment they rent in Yonkers, New York. Mr. Bamberg, who

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continues to work as a custodian at a children's hospital, is the sole source of financial support for his family. Mr. Bamberg expects that he will be needed to help his significant other recover from her surgery as well as care for his new child in the weeks after the child's delivery.

On January 5, 2022, the undersigned spoke with the AUSA and Probation Officer assigned to this case to discuss a potential resolution and the upcoming VOSR Hearing and they consented to adjourn the hearing until the first week of February 2022, excluding Wednesday, February 2, 2022. Thereafter, I learned about the arrival of Mr. Bamberg's child and sought to confirm if the government and Probation Office would consent to an adjournment later in the spring, but have not yet heard back from them.

Accordingly, we respectfully request that the Court set the new hearing date for February 1, 3, or 4, 2022 based on the availability of the government and the Probation Office or, preferably from the perspective of the defense, to grant an adjournment of the hearing until at least April 2022 to allow Mr. Bamberg an opportunity to care for his significant other and expected new child.

Respectfully submitted,

/s/ J.P.F.

Joseph P. Facciponti

cc:

Probation Officer Erica Cudina

AUSA Kevin Sullivan

Application granted. The Violation of Supervised Release hearing previously scheduled before this Court for January 11, 2022 at 4:15 p.m. is adjourned to February 3, 2022 at 2:30 p.m. Regarding Defendant's request to adjourn until April 2022, the Government and the Probation Office shall state their positions no later than January 12, 2022.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

01/07/2022